

Shifting the Moral Burden: Expanding Moral Status and Moral Agency

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Abstract

Two problems are considered here. One relates to who has moral status, and the other relates to who has moral responsibility. The criteria for mattering morally have long been disputed, and many humans and nonhuman animals have been considered “marginal cases,” on the contested edges of moral considerability and concern. The marginalization of humans and other species is frequently the pretext for denying their rights, including the rights to health care, to reproductive freedom, and to bodily autonomy. There is broad agreement across cultural and philosophical traditions about the capacities and responsibilities of moral agents. I propose an inclusive and expansive way of thinking about moral status, situating it not in the characteristics or capacities of individuals, but in the responsibilities and obligations of moral agents. Moral agents, under this view, are not privileged or entitled to special treatment but rather have responsibilities. I approach this by considering some African communitarian conceptions of moral status and moral agency. I propose that moral agency can also be more expansive and include not just individual moral agents but collective entities that have some of the traits of moral agents: power, freedom, and the capacity to recognize and act on the demands of morality and acknowledge and respect the rights of others. Expanding who and what is a moral agent correspondingly extends moral responsibility for respecting rights and fostering the conditions for the health and well-being of humans and animals onto the collective entities who uniquely have the capacity to attend to global-scale health threats such as pandemics and human-caused climate change.

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Introduction

Some of the most significant health threats for humans are environmental and global. They include global pandemics of infectious diseases, such as that caused by SARS-CoV-2, as well as the looming and catastrophic effects of human-caused climate change. These same threats also jeopardize the nonhuman animals who share the planet with humans. The International Covenant on Economic, Social and Cultural Rights recognizes “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”¹ The steps required to achieve this goal include “the improvement of all aspects of environmental and industrial hygiene” and “the prevention, treatment and control of epidemic, endemic, occupational and other diseases.”² Notably, these are goals that cannot be achieved by individuals alone, acting as moral agents. Rather, they require concerted collective action, including action by states and other collective entities that have the capacity to enact multilateral strategies and measures to tackle global problems that threaten human health and human rights. For this reason, it is important to consider whether, how, and to whom such entities can have moral obligations and responsibilities.

We frequently think of moral responsibilities as borne by individual humans with the capacities necessary for moral agency. A vexing problem in moral philosophy has long been deciding not who is a moral agent, but who has moral status—that is, to whom do moral agents have responsibilities and obligations? This is an urgent problem in the context of climate change, where the beneficiaries of our actions are not the individual humans to whom there are clear moral obligations but rather entire cultures and societies, as well as nonhuman animal species (with their own cultures and societies), ecosystems, and future generations of humans and nonhumans. All of these will be affected, their survival and flourishing contingent on actions taken now. Similarly, although pandemics affect the health and well-being of individual humans and nonhuman animals, they also cause larger-scale changes and problems that affect all humans, entire species, and future generations.³

Human and animal well-being and health are entangled—what affects one affects the other—which gives us a human-centered reason to think about our moral obligations to nonhumans. But the moral marginalization of other species is frequently justified by the same reasons used to marginalize some humans. Challenging those justifications situates both vulnerable humans and nonhumans within the same sphere of moral consideration and expands our moral obligations to address common threats to the health and flourishing of all species.

The problem of marginal cases

To have moral status is to matter morally and to be the kind of being to whom others can have moral obligations. An entity with moral status is someone who matters, not a mere thing. It matters, in a moral sense, what others do to and for them. The term “marginal cases” is used to name a putative problem that arises when humans are granted unequal, greater moral consideration or status compared to nonhumans. The problem is one of moral inconsistency in the presence of overlap in the capacities and characteristics between species and, in particular, considerable similarities between the capacities of some less-developed humans (such as infants and young children), or some humans with cognitive or intellectual disabilities, and the capacities of many nonhuman animals.⁴

Here I sketch two different conclusions about moral status and marginal cases as a brief introduction to the problem. An example of how the problem of marginal cases (PMC) can be stated is provided by Alastair Norcross:

Whatever kind and level of rationality is selected as justifying the attribution of superior moral status to humans will either be lacking in some humans or present in some animals. To take one of the most commonly-suggested features, many humans are incapable of engaging in moral reflection. For some, this incapacity is temporary, as is the case with infants, or the temporarily cognitively disabled. Others who once had the capacity may have permanently lost it, as is the case with the severely senile or the irreversibly comatose. Still others never had and never will have the capacity, as is the case

*with the severely mentally disabled. If we base our claims for the moral superiority of humans over animals on the attribution of such capacities, won't we have to exclude many humans?*⁵

The charge of moral inconsistency sticks if (1) humans are granted superior moral status compared to nonhumans, and (2) that superior moral status depends on the respective capacities of humans and nonhumans, and (3) the superior moral status of humans is maintained even if the required capacities are absent in some humans and present in some nonhuman animals. It is claimed that, given the existence of so-called marginal cases, it is not possible to consistently maintain the superior moral status of humans without resorting to speciesism or mere bias that favors humans. If the morally relevant capacity is of a cognitively sophisticated or complex kind—such as rationality, self-awareness, the capacity to communicate using language, or problem solving—then it becomes clear that some humans will lack those capacities while some nonhuman animals will have them, and thus granting enhanced or superior moral status to all humans, while denying that some animals have the same status, is morally inconsistent.

Carl Cohen, in rejecting the argument of the PMC, contends that

*the capacity for moral judgment that distinguishes humans from animals is not a test to be administered to human beings one by one. Persons who are unable, because of some disability, to perform the full moral functions natural to human beings are certainly not for that reason ejected from the moral community. The issue is one of kind.*⁶

Cohen's response to the PMC, then, is to argue that it is not the capacities of *individual* members of a species but the *essential* capacities that are *typical for the species* that matter morally. For Cohen, the essential capacity requires autonomy and rationality of a sophisticated kind: moral agency, or the ability to respond to the demands of morality. Cohen accepts the charge of speciesism as well:

I am a speciesist. Speciesism is not merely plausible; it is essential for right conduct, because those

*who will not make morally relevant distinctions among species are almost certain, in consequence, to misapprehend their true obligations ... Every sensitive moral judgment requires that the differing natures of the beings to whom obligations are owed be considered.*⁷

Both Norcross and Cohen agree that moral agency is a relevant characteristic of humans. They disagree about how it affects moral status. For Cohen, the superior moral status of humans and the inferior moral status of nonhuman animals depend on the moral agency of (typical) humans, a capacity that, he claims, *all* nonhuman animals lack. Norcross denies that moral agency confers superior moral status:

*That animals can't be moral agents doesn't seem to be relevant to their status as moral patients. Many, perhaps most, humans are both moral agents and patients. Most, perhaps all, animals are only moral patients. Why would the lack of moral agency give them diminished status as moral patients? Full status as a moral patient is not some kind of reward for moral agency.*⁸

Norcross recognizes two equal ways of mattering morally, or two ways of belonging to the moral community: being a moral agent and being a moral patient. (The morally relevant capacity for Norcross is sentience, which is a widely distributed capacity shared by many animals, including humans.) Moral patients are beings who matter morally and are subjects of moral consideration and moral obligations. They can, but might not, be moral agents. Put another way, moral agents have moral obligations and responsibilities to moral patients, but moral patients do not have similar or reciprocal obligations and responsibilities because they are not capable of acting as moral agents. This approach explains two things: why so-called marginal cases matter morally, and why moral agents have moral obligations to them. And it explains these things without moral inconsistency—that is, without relying on morally arbitrary distinctions or biases such as speciesism and without resorting to special pleading concerning members of species who do not (or who do, if they are nonhumans) have the qualifying capacities or characteristics.

The problem for marginal cases

So-called marginal cases occupy conceptual spaces at the margins of moral considerability. The PMC, which is employed primarily in discussions of animal rights and moral status, is an objection to placing all animals *outside* the margins while all humans remain inside. For some commentators, the problem is easily resolved without resorting to speciesism by admitting that both some humans and some nonhumans belong *outside* the margins of moral considerability.⁹ If we reject that solution, however, it must still be acknowledged that even a low threshold like sentience can exclude some humans and nonhumans. For example, for decades there has been philosophical debate about the moral status of humans with disorders of consciousness—such as the vegetative state (also known as unresponsive wakefulness syndrome) and the minimally conscious state—where their marginalization depends on their diminished consciousness and cognitive capacities.¹⁰ A stark example is the use of the pejorative term “vegetable” to describe individuals in the vegetative state.¹¹ The right of individuals with impaired consciousness to health care, including life-sustaining treatment, has frequently been contested.¹² Animals who are questionably sentient might include bees and other insects and invertebrates, sharks, and creatures such as sponges and corals.¹³ Fundamentally, many responses to the PMC do not in principle question or reject the marginalization of humans or non-human animals, but merely dispute the criteria for mattering morally.

One reason this warrants ethical concern is that it appears to justify marginalizing some entities who might have other morally significant features. Another reason is the epistemic burden of proof regarding who is and is not justifiably marginalized. For example, the longstanding debate about teleost fish sentience was fairly recently resolved in favor of the conclusion that teleost fishes feel pain.¹⁴ One consequence of denying fish pain and well-being is the lack of welfare regulations for fishes used in research in many jurisdictions (including the United States) and for the trillions of fishes raised on farms or caught in the wild. Pain and sentience

in preterm neonates—on the presumption that their nervous systems were too underdeveloped to experience pain—was denied until a few decades ago, when it was experimentally demonstrated that they not only felt pain but experienced significant distress and morbidity as a result of untreated surgical pain.¹⁵ The default position concerning both fish and neonate pain was to presume they were insentient until proven otherwise. That presumption resulted in a disregard for the significant pain and distress experienced by these two groups—and in infants, disregard for the long-term physiological and health effects of that pain (including hyperalgesia and neurodevelopmental effects in children).¹⁶ When moral status depends on the possession of some capacity or on satisfying criteria, the entity with contested moral status must show itself to “pass the test.” Yet the “pain behaviors” exhibited by fishes and neonates were not sufficient, because the marginalized lack the power, ability, and epistemic authority to show that they don’t deserve to be marginalized.

Marginalization doesn’t occur in the absence of someone willing to marginalize or to decide on or devise the justification for marginalization. The early-20th-century eugenics movement, enacted most vigorously in Nazi Germany, sought to marginalize and eliminate those deemed unfit, those who lived a *Lebensunwertes Leben* (“life unfit for life”), including disabled persons, LGBT persons, and members of ethnic and religious minority groups.¹⁷ In the United States, the endorsement of eugenics resulted in the forced sterilization of thousands of poor and socially marginalized women, such as Carrie Buck, who as a teenager was raped and then institutionalized, and sterilized with a seal of approval from the US Supreme Court. Justice Oliver Wendell Holmes infamously justified the decision with the dehumanizing statement that “three generations of imbeciles are enough” (thus affirming the subhuman status of Carrie Buck; her infant daughter, Vivian; and her mother, Emma).¹⁸ Buck’s rights to bodily autonomy and to reproductive health were denied because she was marginalized. Part of what it is to be marginalized, then, is to be vulnerable in this way to the whims of

others and to their views of one's moral worth and moral rights. Marginal cases are not marginalized by *their own* capacities or traits (or lack thereof)—that is merely the pretext for their marginalization. They are marginalized because they lack power and because others view them as *deficient* in some way, as lacking the necessary traits to warrant a place securely within the margins.

Moral status projects

There are two moral status projects: one that is inclusive and one that is exclusive. The inclusive moral status project is the project of those, like Norcross, who would bring some nonhuman animals inside the moral status circle. The PMC is employed as an argument and aims to show that, as a matter of moral consistency, if “marginal” humans belong inside the margins, then so do many animals. The *exclusive project* seeks to limit who belongs inside the margins, perhaps by excluding some who are currently inside or near the margins. This is the aim of those who conclude that nonhuman animals, unconscious humans, humans with intellectual or cognitive impairments, or any creature who isn't a moral agent belongs outside the margins.¹⁹ One project expands the margins, and one contracts them. It's important to recognize, however, that even the expansive, inclusive project can reinforce the margin and exclude those who don't make it across even a low bar, such as those who are not sentient or not conscious.

There is grave potential harm in marginalizing someone and treating them as if they are morally insignificant. Such moral mistakes have been made frequently in human history.²⁰ Both the inclusive and the exclusive moral status projects fail to guard against such mistakes because they approach the question of who matters morally as a problem of sorting out who belongs and who doesn't based on the characteristics, traits, and capacities of the contested being. They try to sort out whether a being is rightly or wrongly marginalized, which presumes that some are *rightly* marginalized and not subjects of moral concern. The PMC tackles the marginalization of nonhumans by comparing them to those

humans who do not satisfy the criteria. Moral consistency requires that we either grant that some humans have the same diminished status as animals or admit that many animals should have the same status as humans.²¹ Both positions have been endorsed. The problem with both positions is that they don't question the underlying assumption that a being's moral status must depend on some traits or capacities. They don't question the assumption that there are testable criteria for mattering morally. They merely disagree about which criteria are the right ones. Thus, even the inclusive moral status project can exclude and marginalize.

The responsibilities of moral agents

Rather than focus on the traits or capacities of marginalized and contested entities, the emphasis should be on the responsibilities of moral agents. One reason to do this is that we already have a good idea of what moral agency requires and who might be an individual moral agent, with considerable agreement across cultures and philosophical traditions that have the concept.²² Tom Regan provides a definition of moral agents typical of Western philosophical positions:

*Moral agents are individuals who have a variety of sophisticated abilities, including in particular the ability to bring impartial moral principles to bear on the determination of what, all considered, morally ought to be done and, having made this determination, to freely choose or fail to choose to act as morality, as they conceive it, requires.*²³

Cohen, in defining moral agents as rights-holders, describes similarly stringent requirements:

*The holders of rights must have the capacity to comprehend rules of duty, governing all including themselves. In applying such rules, the holders of rights must recognize possible conflicts between what is in their own interest and what is just. Only in a community of beings capable of self-restricting moral judgments can the concept of a right be correctly invoked.*²⁴

There is a spectrum of views regarding the moral

agency of nonhuman animals (although there is growing evidence that some animals govern their own behavior according to recognizable moral principles such as justice, fairness, loyalty, non-maleficence, and beneficence, including sacrificing their own interests for the sake of others), as well as expansive interpretations of human moral agency that include heteronomous (as opposed to autonomous) moral agency.²⁵ If moral agency requires sophisticated cognitive capacities, including autonomy, the ability to identify oneself as the author of one's choices and actions, to recognize the rights of others, and to recognize and act on the demands of morality (consistent with the Western philosophical view), then clearly many humans and nonhumans are not moral agents. Infants and very young children, and some persons with cognitive disabilities, are not moral agents, although some will become moral agents as they develop the required capacities, and some will lose their agency when they lose the required capacities. If moral agency so defined is the threshold for mattering morally, then some humans and nonhuman animals do not matter morally.

If moral agency so defined is the criterion for mattering morally, then a morally justified, nonarbitrary reason for it being the criterion is needed. There is no such reason. Moral agency is simply not the condition for mattering morally; it does not grant special privileges to those who have it. As Rachels argues, "Autonomy and self-consciousness are not ethical superqualities that entitle the bearer to every possible kind of favorable treatment."²⁶ As Norcross puts it, in explaining why humans have moral obligations to nonhuman animals, "Full status as a moral patient is not some kind of reward for moral agency ... Humans are subject to moral obligations because they are the kind of creatures who *can* be."²⁷ Moral agents, then, are not the bearers of unique rights or privileges. Rather, they bear moral responsibilities and duties to others, simply by virtue of the fact that they *can* bear those responsibilities and duties.

Since we know who moral agents are, what they can do, and what they are obliged to do, we can explain mattering morally as the property of

being an entity to whom moral agents owe moral consideration.

Moral patients

Moral patients are subjects of moral concern or consideration. We could simply say that moral patients are those to whom moral agents have moral duties. Humans and other animals, then, are *all* moral patients, regardless of their capacities and traits, and *some* of them are also moral agents. I will limit the scope of my discussion of moral obligations here to humans and nonhuman animals because if they matter morally, it is in the same way: they matter non-instrumentally and for their own sake.

The PMC matters not as a mere philosophical exercise but because the diminished status of some beings has, throughout human history, been used to justify all manner of rights violations. As Godfrey Tangwa notes, this emphasis on the qualifications of moral patients rather than on the obligations of moral agents has an insidious history that shifts or avoids the burden of responsibility:

*By concentrating on the patient rather than the agent, Westerners have been able to shift critical attention from themselves and their actions onto their victims. In that way, they have been able to carry out colonization, enslavement, and exploitation with quiet consciences, by stipulating "objective" criteria for being human that their victims did not fulfill.*²⁸

Tangwa points here to the way that marginalization is employed to justify exploitation, as well as the way it is meant to exculpate moral agents who would otherwise be guilty of injustice and rights violations if their actions were perpetrated against those who matter.

One reason to be inclusive rather than exclusive about moral status is so that we don't mistakenly exclude moral patients from moral consideration. As moral agents, if we wrongly marginalize those who matter morally, we will have failed in our moral obligations to those moral patients, treated them unjustly, and caused harm. One way to be more inclusive about moral status is to be pluralists

about mattering morally and recognize that there are many pathways to moral status. The Western focus on individuals views possession of certain individual traits or capacities as being *essential* to admission into the moral community. This tends to obscure other ways of being a moral patient that depend not on one's own traits or capacities but on the obligations others have toward one. Here I sketch out some non-Western philosophical views that are more expansive about membership in the moral community.

Tangwa describes the differences between Western and African conceptions of mattering morally:

If the African perception of a person differs from the Western perception, this is not because it does not recognize the various developmental stages of a human being or qualitative differences based on the degree of attainment of positive human attributes or capacities, but rather because it does not draw from these facts the same conclusions as are drawn in Western ethical theory. In particular, the differences between, say, ... an infant and a fully self-conscious, mature, rational, and free individual do not entail, in the African perception, that such a being falls outside the "inner sanctum of secular morality" and can or should thus be treated with less moral consideration.²⁹

In Tangwa's native language Lamnso', the phrase *wir dzē wir* translates roughly to "A human being is a human being is a human being, simply by being a human being." This might sound like a tautology, but it amounts to the belief that moral consideration is due to all humans regardless of their individual capacities or characteristics. It says that being human is enough to matter morally. This has advantages. It includes under the protection of moral status all humans, regardless of their age, abilities, or capacities. But it does not exclude other species or nonhuman entities from also mattering morally. As Tangwa explains, the onus is on moral agents to be responsible for acting morally toward others:

A moral agent can do moral good or evil, irrespective of whether the patient of his or her action (or lack thereof) is a person, a nonhuman

animal, a plant, or even an inanimate thing. What the attributes of self-consciousness, rationality, and freedom of choice do, as well as those of power and wealth, is load the heavy burden of moral liability, culpability, and responsibility on the shoulders of their possessor. Human persons are not morally special, they are morally liable.³⁰

The traditional Zulu saying "A person is a person through other people" and the Ubuntu phrase "My humanity is caught up, is inextricably bound up in yours" describe another way of mattering morally—by being a member of a community where each has "the fundamental moral-social goal posited by a morality of duties of securing the well-being of all human beings."³¹ Both express the idea that one is a person through participation in the social life of a community of other persons. One doesn't belong to a community of persons because they are already a person; one is a person *because* they belong to a community of persons.

What begins to emerge here is that one cannot become a normal functioning human being without being inserted in an "environment" with other human beings; hence, the idea, "I am because we are." Personal identity here is understood primarily in terms of "being-with-others."³²

This meaningfully acknowledges the interconnectedness of persons, the ways we are dependent on each other for our status as persons who matter morally, and dependent on others acting on their duties and obligations to us. Importantly, this way of mattering morally is radically inclusive and does not depend on the traits or capacities (or species) of individuals:

Individuals with cognitive disabilities are no different in this respect. Neither are infants, toddlers, children, adolescents, or persons with mental illness or advanced dementia. They may lack some capacities of typical adults, and the moral duties and citizenship responsibilities that accompany them. Nonetheless, all of them are fully embedded in the web of interpersonal relationships in which personhood is realized.³³

Belonging to a community as a way of being

a person, someone who matters morally, may sound precarious for the marginalized if they are vulnerable to being excluded. But we are all born into communities of at least a few persons, and none of us could survive infancy if we were not. Unlike exclusionary moral status projects, the ideology behind *belonging to a community* as a way of mattering morally is that one's very membership is the reason moral agents have responsibilities and duties to one, and a reason against exclusion and marginalization. Something else is important about belonging to a moral community. What moral agents do to and for one member of the community matters to the others, and so the direct duties of moral agents multiply. Harming an infant *also* harms the infant's parents. Harming a bird *also* harms those who love and value the bird. The moral burdens of moral agents are many, and to many, within moral communities.

Nonhuman animals can belong to their own communities. Wolf packs, prides of lions, pods of orcas, flocks of birds, and shoals of fish all constitute interdependent communities of social beings. Nonhuman animals can also belong to human social communities, and this would include the animals we share our homes with (such as dogs, horses, gerbils, and goldfish), who form with us interdependent relationships of affection and care. It also includes other captive animals who have been brought into human spaces (such as zoos, aquaria, and farms) in which they are vulnerable and dependent on humans. Captive animals, including those born in captivity, have been denied the ability and right to be part of their natal communities, denied the possibility of being in the communities in which their orca, or chimpanzee, or fish personhood might be realized. This has also happened to humans, to enslaved persons, to children stolen from their parents, and to incarcerated and institutionalized persons. Their marginalization—their identification as marginal cases—logically and morally precedes their removal from their own communities. That kind of unjust marginalization, of both humans and nonhuman animals, places the responsibility for their care and treatment on the moral agents who perpetrate it. That they were

not and are not cared for in ways that respect their rights and moral status is a moral failing on the part of those moral agents.

Belonging to a community (that includes humans or animals or both) can thus be sufficient for mattering morally. Both the communities and *some* of their individual members have the capacities required for moral agency. Human communities abundantly demonstrate that certain kinds of collective entities can have the capacities of moral agency even when individual members might not.

Demarginalizing marginal cases and expanding moral agency

As individual moral agents, one of our obligations to others is to not unjustly marginalize them. Those who do not satisfy ostensible criteria for mattering morally are vulnerable to marginalization, to being treated as if they lack rights and are not entitled to moral and just treatment. Exemplifying the way the diminished status of marginalized humans is falsely attributed to *their* characteristics, Carrie Buck and her mother, Emma, were said to “belong to the shiftless, ignorant, and worthless class of anti-social whites of the South” (according to Albert Priddy, the superintendent of the Virginia Colony for Epileptics and Feeble Minded).³⁴

What has been true of historical and contemporary interactions between humans has also been true of human-animal interactions. And in the justification for exploiting animals—whether domesticated or free-living—the ideology of marginalization can be seen in its fullest expression. Animals, having some traits and capacities different than humans, are judged to be in some sense deficient, justifying their treatment as food, as trophies, as entertainment, or as things without moral value or rights. Their diminished status is also falsely attributed to their characteristics.

As Tangwa notes above, moral agents have a multitude of obligations and “can do moral good or evil, irrespective of whether the patient of his or her action (or lack thereof) is a person, a nonhuman animal, a plant, or even an inanimate thing.”³⁵ If we think about rights in terms of the moral obli-

gations of moral agents to do what will promote the well-being of humans and animals, then both rights and the obligations of moral agents can radically expand. Tangwa likens the attributes of moral agents, including rationality and freedom of choice, to attributes such as power and wealth, all of which “load the heavy burden of moral liability, culpability, and responsibility on the shoulders of their possessor.”³⁶ Here we see how moral agency can be a capacity not just of individuals but potentially of collectives with power and wealth—corporations, countries, and associations of countries (such as NATO, the European Union, and the G7)—that can also bear the heavy burdens of moral responsibility and have the capacity, the freedom, and the responsibility to act as moral agents.

Only moral agents can have action-demanding duties; and when those duties involve actions that cannot be performed by individuals, and require collective action, we must either view collective entities and groups as moral agents, or we must conclude that no one has moral responsibility. Stephanie Collins notes that it is quite common to ascribe moral obligations to groups in cases where collective action is required:

When morally pressing circumstances call for synchronized actions by several individuals, we often say the group has a duty: “The hikers have a duty to lift the fallen tree off the child,” “The pedestrians have a duty to stop the mugging,” “The beachgoers have a duty to save the drowning person.” In each case, suppose the morally desirable outcome can be brought about only if the individuals work together.³⁷

Of course, not just any grouping of individuals can function as moral agents in the relevant sense. “Only groups with sufficient structure ... have the necessary agency. Moreover, if duties imply ability then moral agents (of both the individual and collectives varieties) can bear duties only over actions they are able to perform.”³⁸ Further, some morally urgent problems, such as global climate change and global pandemics, require state action, and here, too, it is sensible to ascribe moral agency to those state actors:

We tend to think states have moral duties: duties to alleviate global warming, protect citizens’ moral rights, admit asylum seekers, or wage only just wars. This common-sense view accords with a growing philosophical consensus that states are corporate moral agents, able to bear duties as entities conceptually distinct from—though supervenient upon and constituted by—their members.³⁹

The World Health Organization conceives of states and collective entities as having duties:

States and other duty-bearers are answerable for the observance of human rights. However, there is also a growing movement recognising the importance of other non-state actors such as businesses in the respect and protection of human rights.⁴⁰

It also recognizes that

health as a human right creates a legal obligation on states to ensure access to ... the underlying determinants of health, such as safe and potable water, sanitation, food, housing, health-related information and education, and gender equality.⁴¹

These statements acknowledge the agency of states and other collective entities and their obligations to promote the right to that which fosters health. Indeed, only such entities have the capacities to act on health threats of national, regional, and global scales.

We would not want to take the comparison too far, however, and suggest that corporations, states, and organizations of the powerful and wealthy also have moral *rights*. This is a reason to harden the distinction between moral agents and moral patients—the latter have rights, including rights to moral treatment and to the promotion of their health and well-being. The former, the moral agents who are not also moral patients—including those human collectives that have the power, capacity, and responsibility to understand moral obligations, recognize to whom they have moral obligations, and act on those obligations—have duties to respect and promote the rights of moral patients.

Conclusion

The well-being of humans and animals is increasingly entangled, and the debts incurred by marginalizing humans and animals are coming due. Deforestation for agriculture and monoculture directly destroys the habitats of wildlife and contributes to climate change, thus indirectly resulting in further habitat loss, as well as the loss of habitable and arable land for humans.⁴² Economically precarious and marginalized humans will be disproportionately affected by those losses.⁴³ Animals living in precarious and shrinking environments as humans encroach into their native habitats will be literally marginalized, pushed further and further out to the shrinking margins of forests, prairies, and coral reefs, and will be pushed closer to extinction, while the proximity of humans and animals will increase the spillover of zoonotic diseases, with the potential to create regional and global pandemics.⁴⁴ The history of resource, land, environmental, animal, and human exploitation is long and deep but always involves, at some turn, the marginalization of someone and the subsequent violation of someone's rights. It now also threatens the health of all humans and nonhuman animals and of the ecosystems in which they live and on which they depend.

The criteria for mattering morally have long been disputed, and many humans and nonhuman animals have been considered "marginal cases" on the contested edges of moral concern. This has long been a pretext to justify their exploitation, mistreatment, and killing. On the other hand, there is broad and overlapping agreement about the capacities and responsibilities of moral agents. An inclusive and expansive way of thinking about moral status is to situate mattering morally not in the characteristics or capacities of individuals but in the responsibilities and obligations of moral agents. But moral agency can also be more expansive, including not just individual moral agents but entities such as corporations and states that have some of the traits of moral agents—power, freedom, and the capacity to recognize and act on the demands of morality. This expanded view of who and what is a moral agent shifts some of the burden

of moral responsibility for attending to the health and well-being of humans and animals onto these collective entities who uniquely have the capacity to attend to global-scale health threats such as pandemics and human-caused climate change.

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